



**HOME BUILDERS & REMODELERS ASSOCIATION
OF CONNECTICUT, INC.**

3 Regency Drive, Suite 204, Bloomfield, CT 06002
Tel: 860-216-5858 Fax: 860-206-8954 Web: www.hbact.org

*Your Home
Is Our
Business*

February 7, 2013

To: Senator Joan Hartley, Co-Chairman
Representative Steve Dargan, Co-Chairman
Members of the Public Safety & Security Committee

From: Bill Ethier, CAE, Chief Executive Officer

Re: **HB 5749, AAC Revisions to the State Building Code**

The HBRA of Connecticut is a professional trade association with about nine hundred (900) member firms statewide employing tens of thousands of CT's citizens. Our members, all small businesses, are residential and commercial builders, land developers, remodelers, general contractors, subcontractors, suppliers and those businesses and professionals that provide services to our diverse industry and to consumers. While our membership has declined over the course of our seven-year Great Recession from its high of 1,500 members, we build between 70% to 80% of all new homes and apartments in the state each year and engage in countless home remodeling projects.

While the wording of proposed bill 5749 is not what we intended in offering the concept, we strongly support the goal of a regular cycle for the adoption of the State Building Code. We offer the attached draft language for your consideration.

In summary, a six-year code adoption cycle will 1) save the state money, 2) save municipalities money, and 3) provide more certainty and stability to, as well as save money for, the design and construction industry throughout the state.

Background: Currently, the International Code Council (ICC), a membership based organization headquartered in Washington, DC, produces a group of new model building codes every three years. Our CT State Building Code is based on the ICC model codes, as well as on other model codes, such as the Nat'l Electrical Code (NEC), produced by the Nat'l Fire Protection Association. The state sometimes reviews each three-year model version, sometimes we skip a model version or review only portions of a model code. **While our adoption process is necessarily very thorough for reasons explained below and for which our state Codes and Standards Committee (CSC) should be commended, the adoption cycle has been haphazard and creates uncertainty, confusion and instability among the industry and code officials, as well as unnecessary expense for the state and local governments.** The purpose of HB 5749 is to create a regular adoption cycle so that the state does not review every three-year version and all stakeholders have more predictability.

Reasons for Adopting the Attached Proposal:

The model building codes are not perfect. Nobody should be seduced into thinking the model code organizations are objective bodies of experts. The codes are created through as much politics and lobbying by stakeholders as is legislation. In recognition of this fact

and some high profile missteps by the ICC and NFPA, a number of states are moving toward a six-year or longer code cycle. CT's historically lengthy code adoption process is also a reflection of the significant review that must be undertaken of the model codes by CT's CSC and the CT-specific amendments necessary to make them work for our state. **Despite the urging by some to speed up our process, it is prudent that we have taken our time to get our codes right**, as much as it might frustrate one or another stakeholder who wants a particular model code provision adopted into law.

Reviewing and adopting every three-year model is expensive. Constant building code changes through a short three-year adoption cycle that matches the model code organizations' book publication schedules are expensive for state government due to the lengthy regulatory process, for municipal governments which are charged with enforcing the building code and which must train their building officials, and for the entire design and construction industry which must learn and adjust to frequently changing codes.

The state could save half its regulatory and training development costs by moving to a six-year cycle (i.e., reviewing and adopting every other model code version; skipping review of interim versions). The attached proposal does not preclude the state from amending the State Building Code in the interim if a significant issue arose that warranted such an amendment, but would avoid a review of the entire group of new model codes produced every three years.

Municipalities would also save money with a six-year cycle because they have to train building officials on each adopted code version, as well as buy the books and training materials. Building officials and contractors are often far behind in the race to catch up to the latest codes. A six-year or longer cycle would be more reasonable and create more certainty among both code officials and the industry. It would facilitate better education of officials and contractors as the courses and training materials would not have to be updated every three years or even more frequently in some cases. **The entire design and construction industry would also experience less disruption and costs** with less frequent changes to construction requirements.

Likely opponents: The model code groups, manufacturers of certain products or other advocates, and training organizations may tell you the three-year frequency is required to provide the public with safe buildings. The ICC and NFPA will object to a six-year adoption cycle for obvious reasons - despite the good work these organizations do, they rely on selling books to support their operations. Advocates, such as manufacturers or others, who are successful in lobbying the model code organizations and who obtain their provisions in the model codes may also object. Some organizations which structure their revenue-producing training classes on the model codes, versus on the code that is the law of the state, will also object - but they should be training on CT law, not what the ICC or other model code groups produce. **However, we assert that the interests of Connecticut, municipalities and the state's design and construction industry in having the assurance of a more stable, consistent, reliable code adoption process should override these objections. Please support HB 5749 and the attached draft, and thank you for considering this proposed bill and the opportunity to comment.**

Save the State, Municipalities and the Construction Industry Money.

Move to a six year building code adoption cycle.

1 Section 1. Subsection (a) of section 29-252 of the general statutes is repealed and
2 the following is substituted in lieu thereof (*Effective from passage*):

3 Sec. 29-252. (a) As used in this subsection, "geotechnical" means any
4 geological condition, such as soil and subsurface soil conditions, which may
5 affect the structural characteristics of a building or structure. The State Building
6 Inspector and the Codes and Standards Committee shall, jointly, with the
7 approval of the Commissioner of Construction Services, adopt and administer a
8 State Building Code based on a nationally recognized model building code for
9 the purpose of regulating the design, construction and use of buildings or
10 structures to be erected and the alteration of buildings or structures already
11 erected and make such amendments thereto as they, from time to time, deem
12 necessary or desirable. Such amendments shall be limited to administrative
13 matters, geotechnical and weather-related portions of said code, amendments to
14 said code necessitated by a provision of the general statutes and any other matter
15 which, based on substantial evidence, necessitates an amendment to said code.
16 The [code] **State Building Code** shall be revised [**not later than January 1, 2005,**
17 **and thereafter**] **not less than every six years or longer** as deemed necessary to
18 incorporate any subsequent revisions to the **national model building** code [**not**
19 **later than eighteen months**] **as soon as is practical, as jointly determined by the**
20 **State Building Inspector and the Codes and Standards Committee**, following
21 the date of first publication of such subsequent revisions to the **national model**
22 **building** code. The purpose of said Building Code shall also include, but not be
23 limited to, promoting and ensuring that such buildings and structures are
24 designed and constructed in such a manner as to conserve energy and, wherever
25 practicable, facilitate the use of renewable energy resources. Said Building Code
26 includes any code, rule or regulation incorporated therein by reference.

27 Section 2. Subsection (a) of section 29-256a of the general statutes is repealed and
28 the following is substituted in lieu thereof (*Effective from passage*):

29 Sec. 29-256a. (a) The State Building Inspector and the Codes and Standards
30 Committee shall revise the State Building Code to require that commercial and
31 residential buildings and building elements be designed to provide optimum
32 cost-effective energy efficiency over the useful life of the building and to
33 incorporate the 2012 International Energy Conservation Code, [**not later than**
34 **eighteen months**] **as soon as is practical, as jointly determined by the State**
35 **Building Inspector and the Codes and Standards Committee** after the
36 publication of said code. The provisions of this section shall not be construed to
37 impose any new requirement for any renovation or construction of a state
38 building that is subject to the requirements of section 16a-38k, regardless of
39 whether such building has been granted an exemption under said section.

